



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/149,650

09/08/1998

JARED SCHUTZ POLIS

00040-0110

5293

98359

7590

10/09/2012

AlbertDhand LLP

11622 El Camino Real, Suite 100

San Diego, CA 92130

EXAMINER

MONFELDT, SARAH M

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/09/2012

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Examiner contacted Applicant in an attempt to move the case forward to allowance. No Agreement was reached.

Applicant agreed to decrease the number of pending claims to a reasonable number (currently 300+ pending in the case). Applicant provided a proposed preliminary amendment #1. The Examiner explained that the proposed preliminary amendment #1 was broader than the claims currently on file and explained why the current prior art is pertinent to the proposed amendment. Applicant proposed a second preliminary amendment.

The Examiner reminded Applicant that waybill data does not get a special meaning since the original specification refers to either shipping label or waybill shipping label which can include a "tracking number" of the carrier.

The Examiner explained that Bain reference teaches an Electronic Data Interchange, EDI, software package that translates a purchase order electronically from a consignee into a flat file in purchase order database 26 (col. 5, ll. 55-59). Bain further teaches purchase order database contains purchase order number... shipping destination code,...shipping cost, ...purchase order line item identifier, product identification, date shipped, estimated arrival date, UCC tracking number, carrier such as UPS, quantity ordered, quantity packed, ... carrier tracer number (col. 7, ll. 27-55). Bain further teach transmission to a marking printer in order to print a shipping label and/or a packing list... the data selected for printing may include data from the purchase order database... (col. 8, ll. 11-34). Figs. 2-3 of Bain show of the UPS shipping label and the packing list.

The Examiner also explained that claims do not require submitting an order via a web page and that Bain could be swapped for Chelliah et al. since Bain teaches electronically submitting a purchase order to a purchase order database, the purchase order database also contains waybill data and the information from the order database is sent to a marking printer to print the shipping label and the packing list. The Examiner acknowledges that the Bain reference is silent as to how the waybill data is received, however PR Newswire (June 1998) as evidenced by the FedEx Express Press release (Sept. 1998) teaches FedEx ShipAPI. PR Newswire teach iCats, the leading provider of e-commerce software, strategic alliance with FedEx, the FedEx integrated logistics and shipping services offered by FedEx allow even novice Web merchants to easily create and manage full-service internet stores including real-time order processing fulfillment and tracking. PR Newswire teaches that iCat will include a FedEx Ship API that will enable merchants to offer FedEx transportation service to their customers via their storefront. The FedEx Press Release evidences that FedEx ShipAPI implements public-key encryption technology and allows customers to seamlessly integrate FedEx shipping and package status tracking functionality into their Internet-enable product or service fulfillment thereby eliminating redundant programming.

The Examiner also explained if the primary reference, Chelliah, was utilized FedEx Powership could be swapped with FedEx Ship API.

The Examiner did recognize that the claims require an order center which receives information from a shipper computer, an order computer, however the claims do not required that the order computer be remote from the order center (i.e. order database of Bain) or remote from the Shipper computer (FedEx Powership computer of Chelliah and/or FedEx API of PR Newswire). Furthermore, there is no indication in the claims that the distribution center be remote from the order center database (i.e. transmission to marking printer to print shipping label and packing list of Bain).

The Examiner also reminded applicant of the Dlugos reference which is also pertinent to the claims and previously cited in a PTO-892.